

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)	DOCKET NO.: 3:23-CR-00008-RJC-DSC
)	
)	<u>FACTUAL BASIS</u>
v.)	
)	
)	
KYREE CATHEY-HINES)	
)	

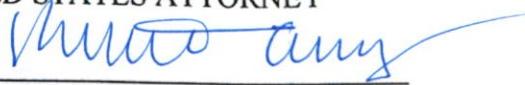
NOW COMES the United States of America, by and through Dena J. King, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. On or about August 30, 2022, the Defendant, **KYREE CATHEY-HINES**, knowingly possessed a Smith and Wesson 9MM semi-automatic handgun with an extended magazine (30-rounds).
2. The Smith and Wesson 9MM semi-automatic handgun was manufactured outside of the State of North Carolina. Therefore, this firearm traveled in or affected interstate or foreign commerce before law enforcement seized it on August 30, 2022.
3. Prior to August 30, 2022, **KYREE CATHEY-HINES** knew that he had been convicted of one or more offenses punishable by a term of imprisonment in excess of one year, and was therefore prohibited from possessing a firearm and/or ammunition at the time of the possession in this matter.

DENA J. KING
UNITED STATES ATTORNEY



KATHERINE T. ARMSTRONG
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Information, and the Plea Agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Information and the Plea Agreement. I hereby certify that the defendant does not dispute this Factual Basis.

Julia G. Mimms
JULIA G. MIMMS, Attorney for Defendant

DATED: 1/23/2023